

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

January 27, 2004

**SUBJECT:** Use Permit Applications  
USE2003-00670, 00671, 00672,  
00673, 00674

**Applicant:** Federal Realty Investment  
Trust/City of Rockville/RD  
Rockville, LLC

**Owner:** Federal Realty Investment  
Trust and City of Rockville

**Date Filed:** USE2003-00670: 11/6/03  
USE2003-00671 through 674:  
12/2/03

**Location:** Area bounded by Middle Lane,  
North Washington Street,  
Beall Avenue, and Hungerford Drive/Rockville Pike



**REQUEST:**

- The applicant requests approval of five Use Permits that together comprise the Rockville Town Square project. This is a mixed-use project including retail, multi-family residential, new streets, and a public plaza.

**PREVIOUS RELATED ACTIONS:**

Preliminary Development Plan PDP2003-00005 was approved by the Planning Commission on August 6, 2003.

**BACKGROUND**

On August 6, 2003, the Planning Commission approved Preliminary Development Plan (PDP) application PDP2003-00005 for the Rockville Town Square project. This approval covers the development generally referred to as the Town Square, and is a joint project of the City, Federal Realty Investment Trust (FRIT) and RD Rockville, LLC. The PDP provides a conceptual blueprint for the scope of the proposed development, covering items such as maximum densities, building heights and envelopes, and the proposed development mix. A number of conditions were attached to the development approval, which are shown in the approval letter (Attachment 1).

In early November, on behalf of the City, Federal Realty Investment Trust (FRIT) submitted Use Permit application USE 2003-00670 for the public improvements required for the Town Square

project. This was followed in early December by the filing of Use Permit applications USE2003-00671 through 674 for Blocks 1&2, 3B, 4 and 5 by RD Rockville, LLC. Together, the use permit applications provide the final step prior to the issuance of building permits, and thus must address any outstanding issues that have been raised during the course of the review process.

Section 25-681 requires the Mayor and Council to act on a use permit for properties in the Town Center that is either owned by the City or has been sold by the City. The Planning Commission has traditionally reviewed and commented on a use permit prior to action by the Mayor and Council. Due to the complexity of these cases, the Planning Commission and the Mayor and Council will hold joint meetings to hear each other's comments. The first meeting will serve as an introduction to the applications and the following meetings will provide additional detail, full staff reports, and staff recommended conditions. During the second and third meetings, the Planning Commission will make formal recommendations to the Mayor and Council and the Mayor and Council will take action on each of the applications. The schedule is summarized in the following section.

### **SCHEDULE**

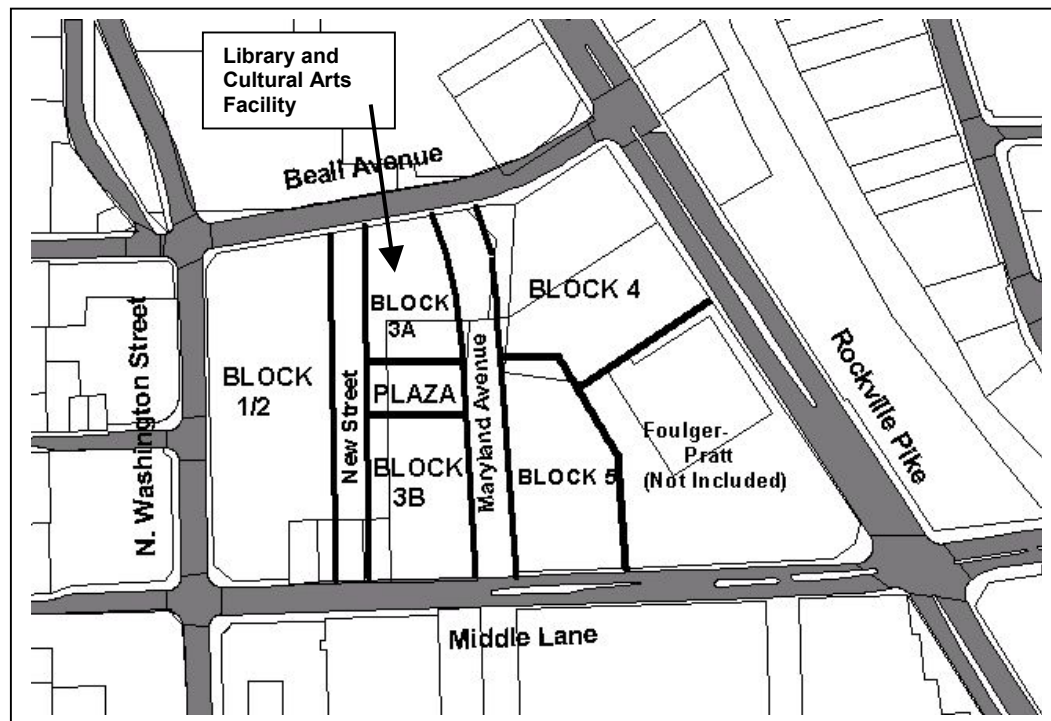
1. Joint worksession on January 29, 2004 to provide the Mayor and Council and the Planning Commission an overview of all of the pending permits and identify the issues that will need to be resolved or made conditions of approval.
2. Joint meeting on February 18 to provide additional detail on Blocks 3B and 5. The Planning Commission will make a recommendation and the Mayor and Council will approve the Use Permit for the Public Improvements.
3. Joint meeting on March 3 to provide additional detail on Blocks 1&2, and 4. The Planning Commission will make a recommendation and the Mayor and Council will approve the Use Permits for the private improvements for Blocks 1&2, 3B, 4 and 5.

### **PROJECT OVERVIEW**

The PDP approval set the general size and character of the proposed development. The Use Permits must conform to the requirements of the PDP approval. The approved PDP allows for the following development:

Retail Commercial:	184,563 gross square feet
Multi-family residential:	777 dwelling units (including MPDU's)
Public Library:	102,522 gross square feet
Cultural Arts Facility:	25,900 gross square feet
Maximum building height:	5 stories or 75 feet

The Public Library is a County facility, and has already received Use Permit approval. The Cultural Arts Facility is a City-sponsored project and will be developed under a separate use permit.



The combined total development proposed by the submitted Use Permit applications is as follows:

Retail Commercial:	172,819 gross square feet
Multi-family residential:	620 dwelling units (including MPDU's)
Maximum building height:	6 stories or 75 feet

Development Summary by Block				
Block	Retail	Residences	Parking Spaces	
			Residential	Public
1/2	72,800	224	291	226
3B	43,780	140	252	0
4	20,948	108	242	635
5	35,291	148	165	108
<b>Total</b>	172,819	620	950	969

As can be seen, the Use Permit applications propose reductions in the amount of development compared to the PDP approval. The reductions are 157 dwelling units and 11,744 square feet of retail space, which assigned to the Cultural Arts building and not included in these applications. We note that the application calls for up to 6 stories in some of the blocks, as opposed to the 5 stories shown in the approved PDP plan. The PDP plan does provide for heights up to 75 feet, which can accommodate the extra story. However, the PDP plan will need to be amended to show this minor change.

The design of the Town Square project seeks to create a mixed-use neighborhood that appears to have been developed over time rather than as a single project. To achieve this goal a number of techniques have been used such as multiple architects designing multiple building facades, including a variety of building styles, a variety of building materials, variety in window types and alignment, variety in cornice heights (top of the building and between the retail and residential), variety in retail storefront designs. When designing a project to achieve this goal, standard design elements and uniform heights/widths can quickly give the neighborhood the look of single project. Like any urban neighborhood, there will be elements that deviate from the norm and provide variety. These can include buildings that are taller than their neighbors, different architectural styles, a different streetscape in front of an individual building, a stretch of narrow sidewalk, different paving materials, different sign styles, different awning styles, etc. Many of the neighborhoods such as Annapolis and Alexandria that have been cited as models for mixed-use urban development display these characteristics precisely because they have been built over time.

A Commercial Management District is being prepared that will specify the maintenance responsibilities for the private developers as regards sidewalks, street tree maintenance, plaza maintenance, and other possible factors. This CMD will need to be in place at the time plats are recorded.

Below is a summary of what each of the applications proposes:

**USE2003-00670: Public Improvements**

This application covers those improvements that will be constructed by the applicant and accessible to the general public. These include the following: Construction of the extension of Maryland Avenue from Middle Lane to Beall Avenue; the construction of a new street (often referred to as "Market Street") connecting Middle Lane and Beall Avenue in the area between the extension of Maryland Avenue and North Washington Street; improvements to Middle Lane; improvements to North Washington Street; construction of a public plaza between the new public library and Block 3B, improvements to Beall Avenue, associated streetscaping, and public utilities. Also included in this application are the varieties of trees that will be planted throughout the project. Note that 43 parking spaces are being provided on the streets, in addition to the spaces being provided in the various block garages.

Within the Town Plaza, the applicants propose a small grove of trees near the west end, subject to staff agreement on species. Several Willow Oaks will also line the north side of the plaza in front of the library. Also proposed is a "signature" tree near the east end of the plaza. The applicant has identified a 12 inch caliper Weeping Beech for this location, subject to staff inspection of the tree. One thing to note is that the larger the tree caliper, the longer it takes for the tree to recover from transplant shock and begin to thrive again. This requires a longer than normal initial maintenance period. However the larger street trees create an immediate presence and a more attractive streetscape.

“Market Street”

The street referred to as “Market Street” will be a one-way northbound street. As such, the carriageway will be 14 feet wide. There will be an 8-foot wide, two-way bike lane on the east side of the street. The bike lane and traffic lane will be separated by a series of bollards and planters, all of which may be removed for major events that will close the entire street. There will be street parking on the west side, with the spaces appearing as extensions of the street between the street trees. In addition, there should be bollard sleeves across “Market Street” just north of the garage entry to Block 3B to allow the street to be closed while allowing access to the garage. At the plaza location, the street surface will ramp up to the same level as the plaza, and have a surface treatment that is an extension of the plaza, again to accommodate large events when the street is closed. Staff recommends that the name of this street be decided upon in the near future, so that it can be properly identified on the plats, building permits and for street address assignments. Section 25-742(b)(7) requires that the street names shall be established by the Planning Commission. Staff will provide a recommended street name at a future meeting.

Maryland Avenue

Maryland Avenue will be a two-way street, with a more conventional curb-and-gutter design. As with “Market Street” the surface will ramp up at the plaza. The sidewalk treatment along the library will be sinuous, to reflect the design of the library building. This will allow for small green pockets that can contain benches and some landscaping along the building wall.

Town Plaza

The plaza is intended to be used for a variety of events. As such, a removable pavilion will be designed that can be installed at the west end. Tie-downs will be permanently installed in the pavement to support the pavilion when it is erected. The applicant also proposes installation of two permanent kiosks that would flank the pavilion location. In the middle, a jet fountain is proposed, wherein the nozzles are mounted at the surface and spray upwards for patrons to walk through. A more conventional fountain/water feature is proposed for the area in front of the library entrance. On the east half of the plaza, a lawn area is proposed. The final design of this area is still being worked on, since the stormwater retention system is below this area of the plaza. The access hatches to maintain this facility have to be located at the surface, and their impact on the lawn area needs to be minimized. Next to the southeast corner of the lawn area will be the location of the signature tree.

The central portion of the public plaza will be in public ownership. This encompasses an area of about 92 feet by 235 feet, or 21,620 square feet. The building face-to-face distance is 115 feet, which makes the effective usable area of the plaza about 27,025 square feet, or about .62 acre. If the street areas on both ends are also included (as for major events that close both streets), the total usable area (115' x 329') is about 37,835 square feet, or about .87 acre.

### Sidewalks

The sidewalks will consist of scored concrete, tumbled concrete pavers, and some granite curbing. The details of each street treatment have been provided in the submitted plans. For both Maryland Avenue and "Market Street", the public right-of-way will be from back of curb to back of curb. The sidewalk areas will remain in private ownership with a public access easement. This allows flexibility in the use of the sidewalk areas for outdoor cafes and other possible commercial activities. It is expected that all of the sidewalk areas will be covered by a Commercial Management District (CMD) that will be responsible for all maintenance. The sidewalk details are shown in the attachments for the public improvements permit drawings.

### Street Trees

The street trees will count towards the Forest Conservation Plan requirements. The final FCP will be approved with the Use Permit approval. In general, the street trees will be planted in tree pits within the 7-foot tree lawn area. These cantilevered tree pits are interconnected underneath the sidewalk surface to allow for much better water infiltration and root growth. This system has been successfully used in places such as Reston Town Center and Bethesda. For variety, each street will feature a different tree species. As currently proposed, Maryland Avenue will have Alee Elms, "Market Street" will have Skyline Honey Locusts, North Washington Street features Zelkovas, and Beall Avenue Katsura trees. Middle Lane will continue with the English Oaks that have already been planted along that street. The trees along Maryland Avenue and "Market Street" are proposed to be larger than typical new street trees and will be six to eight inch caliper, and as such will be about eight to twelve feet tall at planting. The trees along North Washington, Beall, and Middle Lane will be about two inch caliper.

### **Blocks 1&2: USE2003-00672**

Blocks 1&2 essentially comprise the area currently occupied by the Magruder's shopping center. It extends the entire distance from Middle Lane to Beall Avenue. It is proposed to contain 72,800 gross square feet of retail space (including Magruder's grocery store), and 224 rental apartments on the second through fifth floors. Parking for 226 public spaces and 291 residential spaces is proposed. The public spaces are 9 feet wide, while the dedicated residential spaces are proposed to be 8.5 feet wide. There is a pending text amendment (TXT2003-00205) that would allow the 8.5 wide spaces with 24-foot wide drive aisles. If nine-foot spaces are required, the garage area would need to be larger. RD Rockville, LLC is currently proposing 20 8.5 foot wide spaces in this garage. The architects for RD Rockville, LLC are reviewing and revision the striping of the garages to provide as many 9 foot wide spaces as possible.

Access to the block is provided by two entrances. The main entry is from North Washington Street into a surface parking lot, the north half of which will be open. The southern half will be under the residential units and parking garage. The additional garage entry will be a right-in, right-out from Middle Lane. The loading docks for the grocery store are located under the

residential building with an entry from Beall Avenue. Two pedestrian “vias” provide access through the block from North Washington Street to “Market Street” and the plaza.

**Block 3B: USE2003-00671**

This application proposes a building that will contain 43,780 gross square feet of ground-level retail space and 140 condominium apartments on the second through fifth floors. There will be two levels of below-grade parking, containing 252 parking spaces, all of which will be reserved for the residential units. All of the parking spaces are 9 feet wide with 21-foot wide drive aisles. Access to the building is proposed from Middle Lane and “Market Street”. The access from “Market Street” will be one-lane inbound only. The access from Middle Lane will be a right-in/right-out only.

The residential developer has requested left turns in and out of the garage entry onto Middle Lane be permitted to make the apartments more marketable. Staff opposes these movements as being too close to the Maryland Avenue intersection to allow safe entry and weaving. Removing the existing median will have a negative impact on the pedestrian and bicyclist activities along Middle Lane. The traffic impact study done as part of the Town Square PDP application assumed right-in/right-out movements only. The existing median on Middle Lane should continue to be extended to the intersection with “Market Street”, and the garage entry made right-in, right-out only.

**Block 4: USE2003-00673**

Block 4 comprises the area on the east side of Maryland Avenue north of the public plaza. It is proposed to contain 20,948 gross square feet of retail space, which will include a CVS drug store with a drive-thru. The block will also contain 108 rental apartments on the second through fifth floors. The below-grade parking provides 635 public spaces and 242 residential spaces. The public spaces are 9 feet wide. RD Rockville, LLC is currently looking at revising the garage layout for 9 foot wide spaces with 20.5 wide drive aisles. Access is provided from Maryland Avenue and from Hungerford Drive. In addition, the drive-thru for the CVS pharmacy will be accessed from Beall Avenue. This will also be the entry point for trucks. Block 4 is physically connected to Block 5 above the Maryland Avenue garage entry, though there is not intended to be a direct connection between the buildings. It should be noted that as of the date of this staff report, activities are underway to acquire the automobile filling station and townhouse offices that occupy much of the site of Block 4.

The current Beall Avenue right-of-way configuration is not wide enough to accommodate all of the desired improvements—two travel lanes in each direction, and eastbound left turn lane, a four-foot median, a five-foot bike lane on either side, and 15-foot wide sidewalk areas. The result is that the sidewalk in front of the CVS is only 10 feet wide. The overall size of the building is driven by the required floor space for the CVS, and the layout of the parking spaces in the garage. At this writing, staff and the applicants are still examining options that might allow the building to be pulled back further from the street, thereby allowing a wider sidewalk. Because the residential spaces are 8.5 feet wide, the solution needs to accommodate the needed parking spaces while maintaining an acceptable level of service within the garage.

The submitted plans indicate that the building façade on Block 4 extends about 5 feet closer to Hungerford Drive than the adjoining Foulger-Pratt building. The applicant indicates that these facades will line up.

**Block 5: USE2003-00674**

Block 5 is located on the east side of Maryland Avenue south of the public plaza, with frontage on Middle Lane. It will contain 35,291 square feet of ground level retail and 148 rental apartments. The buildings fronting on the Town Square will be 6 stories tall and the remainder will be 5 stories tall. Below-ground parking is proposed for 108 public spaces and 165 residential spaces. As with the other buildings, the public spaces are 9 feet wide, the residential spaces 8.5 feet wide. However, since the garage plates are all the same size, it appears that all of the spaces can be striped for 9 feet. Access to the garage will be through the vehicular and pedestrian “via” that shares access with Block 4 opposite the public plaza, and also a driveway shared with the Foulger-Pratt project on Middle Lane.

The garage access also includes a pedestrian way that provides pedestrians access to the public plaza, and also to a lobby entry to the residential units. The garage entry on Middle Lane is opposite future Renaissance Street (approved as part of the RCI project), and will allow full turning movements.

**Future Actions**

At the subsequent joint meetings the staff will provide updates on the resolution of identified issues for each of the use permits and a final list of conditions for approval of those permits to be acted upon.

**Attachments:**

1. PDP Approval Letter
2. Detailed Issues to be Resolved or Addressed Through Use Permit Conditions
3. Approved PDP Plan
4. Color Rendering of Town Square Project
5. Detailed Plans for Each Permit Application

**Attachment 2 – Detailed Issues to be Resolved or Addressed Through Use Permit Conditions**

**USE2003-00670 – Public Improvements**

1. Treatment of tree pit areas: curbing, fencing, grates, seating.
2. Final design of plaza lawn area vs. SWM access.
3. Final street tree species selection—dependent on availability.
4. Final design of “Market Street” vis a vis the separation of the bike lane from the carriageway—DPW and Recreation and Parks is concerned about using planters, as they will be difficult to move for major events and subject to damage from autos.
5. Type of street lighting—FRIT wants to use metal halide lamps, which are different than City standard.
6. Street banners—FRIT prefers not to have banners all year long; prefers to use for special events/seasons.
7. Location/installation of electric services for the pavilion.
8. Design and final location of kiosks.
9. Commercial Maintenance District agreement needs to be finalized to determine City vs. developer responsibilities.
10. Provide bike racks throughout the project at a rate of 1 for each 50 public parking spaces (20 racks).
11. All handicap ramps must be concrete
12. All handicap ramps must align with crosswalks
13. Provide adequate sight distance at all corners
14. All parking spaces must be 9’ x 18’
15. All driveway entrances shall be 25 feet wide per City Code 25-413.
16. Columns and parking meters are not allowed in the 9x18 parking space zone. A 3’ column/meter zone (1’ 6” from center of the column/meter) is allowed.
17. A 9’ x 18’ box must be provided for all angled parking.
18. All sidewalks must be a minimum of 15’ per the Town Center Guidelines.
19. Below grade excavation shall be dewatered per DPW sediment control requirements to an acceptable outfall.
20. Obtain all necessary approval and/or permits from the State for ground water and/or soil contamination mitigation prior to DPW issuing permits to allow grading.
21. TDM fees must be paid at the rate of .10/square foot/year for 10 years for commercial and \$60/unit/year for ten years for residential market rate units.
22. Bus Shelter contributions
23. Submit detailed engineering plans and computations to DPW for review and approval for sediment control, storm water management, storm drain and paving, grade establishment, water and sewer, street lighting, and signing and pavement marking.
24. Plat(s) must be approved and recorded prior to DPW permit issuance.
25. Provide adequate ROW for public streets as follows: ROW on Beall, E. Middle, North Washington must be 7 feet behind curb per DPW requirements. ROW on Maryland shall be 40 feet (back of curb to back of curb), ROW on ‘Market’ shall be 26 feet (back of curb to back of curb). ROW at street intersections shall be truncated 25 feet as per Rockville City Code section 25-742.

26. The existing median on Middle Lane between future Maryland Ave. extended and 'Market' Street shall remain in place.
27. Contribution of \$600,000 towards transportation improvements within town square or that provide direct access to town square.
28. Continuous tree planting zone must be under sidewalk.
29. All utilities and transformers are to be installed underground.
30. Provide 15-foot minimum sidewalk on all streets. (7 foot tree lawn and 8 foot sidewalk).
31. Keep water meters out of travel lanes.
32. Abandon 72-inch storm drain pipe adjacent to Foulger-Pratt building.
33. Features located at corner of intersections shall not limit sight distance.
34. Replace CMP storm drain with RCP along N. Washington Street and E. Middle Lane.
35. Provide SWM maintenance easement agreement between blocks 4 and 5.
36. Provide five-foot clearance between all underground utility pipes and structures.
37. All handicap ramps must be concrete.
38. Design and construct Beall Ave. including medians in coordination with DPW.
39. SWM facility shall be located within the park plaza with no permanent structures above the facility. Access manholes/grates shall be located within the hardscape area of the park.
40. Lower roadway between blocks four and five and provide curb and sidewalk. Sidewalks will be consistent with plaza elevation.
41. All driveway entrances shall be 25 feet wide.
42. Provide intersection improvements on town square perimeter streets.
43. The intersection of Beall/Maryland must include provisions for a future traffic signal installation.
44. Install traffic signal at Middle/Maryland.
45. Construct new bike lanes on 'Market', Middle and Beall.
46. A storm drain easement must be recorded for 72" RCP along MD 355.
47. Provide a SWM monetary contribution for quantity control.
48. Authorization must be granted from MDE prior to grading permit issuance.
49. Applicant shall replace 16" water line from MD 355 through N. Washington Street.
50. Design and construct stream improvements downstream of Town Square as required by MDE and/or the City of Rockville. Mitigation will be required for piping the existing open stream channel and requirements may range from stream restoration to recreating a natural stream.
51. TDM fee.

**USE2003-00671 – Block 3B**

1. Retain median on Middle Lane in front of Block 3B.
2. Provide commercial driveway aprons at garage entries.
3. Insure adequate truck maneuvering space inside garage.
4. Provide bike lockers at the rate of 1 for each 50 parking spaces (5 lockers).
5. Building elevations—to be discussed in more detail at the 2/18 meeting.
6. Revise southeast corner of garage to allow better circulation. Column does not allow space in corner. Revise wall at elevators to allow better circulation. Reconfigure parking spaces as shown, which allows the same number of spaces.

7. Add parking space near elevator at northwest side of garage. Add bollard to eliminate illegal parking.
8. Provide minimum 15' sidewalks around buildings.
9. Right turn in/ right turn out only from driveway on Middle Lane.
10. All pedestrian access points must have 4' clearance from parking spaces or driving aisle.
11. All pedestrian access points must have 4' clearance from parking spaces or driving aisles.

**USE2003-00672 – Blocks 1 & 2**

1. Make all parking spaces 9 feet wide (unless text amendment is approved).
2. Provide 6 bike lockers inside the garage.
3. Building columns cannot conflict with parking spaces.
4. Add curbing along the walkway from North Washington Street through the surface parking lot.
5. Provide details on the “gateway” features at the entrances to the “vias” from “Market Street”.
6. Building elevations—to be discussed in more detail at the 3/3 meeting.
7. Provide 14' aisle width between parcel pickup and parking spaces.
8. Provide raised medians as shown to delineate pedestrian pathway from North Washington Street to retail.
9. Provide minimum 15' sidewalk along East Middle Lane.
10. Protect hatched area with bollards.
11. Relocate mailboxes to gain additional parking space.

**USE2003-00673 – Block 4**

1. If possible, reconfigure garage parking to allow building to be pulled back up to five feet from Beall Avenue.
2. Sign the drive-thru to discourage use as an entry to the parking garage.
3. Confirm truck access and movements within the garage.
4. The building face on Block 4 must line up with the building face of the Foulger-Pratt building.
5. Building elevations—to be discussed in more detail at the 3/3 meeting.
6. Driveway from Beall Avenue shall be signed “Drive-thru Only”.
7. As proposed, the aisle is 15' wide not 21' 6”. The current level of service analysis for the garage assumes a 21' 6” drive aisle. A 15' aisle is not allowed for 75 degree parking as per City Code 25-412 (1).
8. Hold building face on Block 4 a minimum of 44' from the existing centerline of Beall Avenue to allow for a median (half), travel lanes, bike lane and a 15' sidewalk consistent with the Town Center design guidelines in coordination with DPW.
9. When there is no parking adjacent to drive aisles in garage structures, one-way aisles must be a minimum of 14' and two-way aisles must be a minimum of 18'. Two-way access is preferred. Revise garage layout to provide for these minimums in the area adjacent to the drive-thru lane and where applicable.
10. Provide a curb with handicap ramp at pedestrian access from garage to via at southwest corner of garage.

11. Concern about truck access from Maryland to north driveway. Needs to be signed “No Trucks”.
12. Provide LOS calculations for parking structure.
13. Obtain Federal and State permits for areas within the stream and/or stream buffer in the vicinity of Block 4 prior to DPW issuance of permits to allow grading.

**USE2003-00674 – Block 5**

1. Stripe the truck loading area to separate it from auto circulation in the garage.
2. Provide a raised 6-foot sidewalk in the via to separate pedestrians from the auto lane.
3. Via needs to be inviting and well-lighted for security.
4. Building elevations—to be discussed in more detail at the 2/18 meeting.
5. Change handicap area from 5’ to 8’ (car to van) on spaces at north end of garage.
6. Move handicap spaces closer to elevators in middle of garage.
7. Pedestrian access is not adequate to residential area at the via. Move lobby to corner, across via, and/or provide a sidewalk on each side of the via at the plaza level (with lowered roadway).